

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
Plaintiff,)	Civil Action No. 18-CV-4168
)	
v.)	Judge Sharon Johnson Coleman
)	Magistrate Judge Kim
IDECK CORPORATION,)	
Defendant.)	
)	

**MOTION OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
FOR CONTINUANCE DUE TO GOVERNMENT SHUTDOWN**

Plaintiff Equal Employment Opportunity Commission (“EEOC”) moves this Court for a continuance of all scheduled court appearances and all other proceedings in this matter (including but not limited to filing pleadings, briefs, and other documents with the Court and the conduct of discovery) due to the partial shutdown of operations of the Federal Government affecting the EEOC. In support hereof, EEOC states:

1. EEOC is the Federal Government agency charged by Congress with interpreting, administering, and enforcing the federal laws prohibiting employment discrimination.
2. As of the date this motion is filed appropriations for funding Federal Government operations with respect to the EEOC have lapsed.
3. As a Federal Government agency, EEOC is subject to the federal Antideficiency Act which provides in part that an “officer or employee of the United States Government ... may not ... involve [the] government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law....” (31 U.S.C. § 1341(a)(1)(B)) and “... may not accept voluntary services ...or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property” (31 U.S.C. § 1342). Such emergencies “do[] not include ongoing, regular functions of the government the

suspension of which would not imminently threaten the safety of human life or the protection of property" (id.).

4. Because of the lapse in appropriations of Federal Government funding with respect to the EEOC and the requirements of the Antideficiency Act, EEOC lawyers are prohibited from engaging in litigation activities in the present circumstances. Plaintiff EEOC, therefore, requests a continuance in this case until appropriations for funding Federal Government operations affecting the EEOC are restored.

5. In addition, because EEOC lawyers are prohibited from engaging in any litigation activities and cannot appear, EEOC requests the application of Local Rule 5.3(b) be waived and that it not be required to file a notice of presentment of this motion and that the Court consider this motion without requiring the appearance of EEOC counsel.

Respectfully submitted,

s/ Bradley S. Fiorito
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CERTIFICATE OF SERVICE

Bradley S. Fiorito, an attorney, hereby certifies that he caused a copy of the foregoing motion to be sent, via the Court's electronic filing system, on December 26, 2018, to all counsel of record.

s/ Bradley S. Fiorito
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